IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 20179 of 1998

Between:

1.. Y.Yakeenali, S/o. V.Lalu Saheb,
R/o. 141--9m Sairamulupet,
Proddutur, Cuddapah District.
2.. V.Shamsheer, S/o. V.Lalu Saheb,
R/o. 141--9m Sairamulupet,
Proddutur, Cuddapah District.

.....PETITIONERS

AND

1 Regional Transport Officer,
Nellore.
2 Regional Transport Officer,
Cuddapah.
3 Motor Vehicles Inspectors, Flying squad,
O/o. Transport Commissioner, A.P., Hyderabad.
4 Superintendent of Police,
Cuddapah. **...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, forbearing the respondents and their subordinates from collecting the compounding amounts under section 200 of the Motor Vehicle Act, 1988 for the alleged violations of the provisions of Section 192-A of the M.V.Act, 1988 in relation to the petitioners Contract Carriage vehicles AP.04/T- 6499 and AP.04/T- 6567 respectively or seize the vehicles in lieu thereof holding that the Respondents and their subordinates have no authority of law to do so and further direct the 1st Respondent to refund the amounts collected under Check Report Nos. 37288 dated 09/01/1997, 542641 dated 01/03/1997, 560195 dated 07/07/1998, 511465 dated 25/06/1998 and 503159 dated 25/06/1998 of Motor Vehicles Inspector, Nellore, Nellore District and to pass.

Counsel for the Petitioner: MR.NOUSHAD ALI

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

ORDER:

The present writ petition is filed questioning the action of respondents and their subordinates in collecting compounding fee under section 200 of the Motor Vehicle Act, 1988 on the ground of violation of the provisions of Section 192-A of the M.V.Act, 1988 in relation to the petitioners Contract Carriage vehicles bearing No. AP.04/T- 6499 and AP.04/T- 6567 and for a direction to first Respondent to refund the amounts collected under Check Report Nos. 37288 dated 09/01/1997, 542641 dated 01/03/1997, 560195 dated 07/07/1998, 511465 dated 25/06/1998 and 503159 dated 25/06/1998 of Motor Vehicles Inspector, Nellore, Nellore District.

Heard the learned counsel for petitioner and learned Government Pleader for Transport.

When the matter is taken up, it is submitted by learned counsel for petitioner and admitted to by the learned Government Pleader for Transport that the subject matter of the writ petition is squarely covered by the judgment of this Court in W.P. 9936 of 1995 dated 23-11-1995. It is also stated that no appeal was filed against the said order and the said order become final.

The operative portion of the order of the Division bench in W.P. 9936 of 1995, reads as under;

> "Therefore, fixing enhanced compounding fee at Rs.2,000-00 for contract carriages for offences committed under section 192-A is struck down. However, this will not bar the authorities to proceed with other provisions according to law. The Writ Petition is accordingly allowed, but without costs. If any amounts are collected from the petitioners for offences committed under section 192-A after 14-11-1994, the same may be returned and if any bank guarantee is furnished for the said purpose, the same shall be discharged."

In the circumstances, following the judgment in W.P.No. 9936 of 1995 dated 23-11-1995, the writ petition is allowed for the reasons mentioned therein. No costs.

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N.V.RAMANA,J

24TH Feb, 2005

tvk

To

1 The Regional Transport Officer,
Nellore.
2 The Regional Transport Officer,
Cuddapah.
3 The Motor Vehicles Inspectors, Flying squad,
O/o. Transport Commissioner, A.P., Hyderabad.
4 The Superintendent of Police,
Cuddapah.

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